

### **III. REMARKS**

#### **Status of the Claims**

Claims 3-11, 13, and 15-20 are presented for further consideration.

#### **Summary of the Office Action**

Claims 3-6, 15, and 20 stand rejected under 35USC103(a) on the basis of the cited reference Prior (EP000913977A2) in view of the cited reference Takafumi(JP11284706) and further in view of the reference Vandiver, US Patent No. 5,610,971. Claim 7 stands rejected under 35USC103(a) on the basis of the reference Prior in view of Takafumi and Vandiver and further in view of the reference Davidson, et al, U.S. Patent No. 5,841,855. Claims 8-11 stand rejected under 35USC103(a) on the basis of the reference Prior in view of the references Takafumi and Vandiver and further in view of the reference Bannister (2012199). Claim 13 stands rejected under 35USC103(a) on the basis of the reference Prior in view of the references Takafumi and Vandiver and further in view of the reference Gordon, U.S. Patent No. 5,884,156. Claim 16 stands rejected under 35USC103(a) on the basis of the reference Prior in view of the references Takafumi and Vandiver and further in view of the cited reference Fishman, U.S. Patent No. 5,655,017. Claim 18 and 19 are rejected under 35USC103(a) on the basis of the reference Prior in view of the reference Takafumi and further in view of "what is old and well known in the art".

#### **Discussion of the Cited References**

The Examiner now relies on a combination of references, namely Prior, Takafumi, and new reference Vandiver for primary support for the rejections based on obviousness. None of these references teach a dual user interface having a full set of functional elements that provide two, alternate, independently operational, user interfaces on a mobile telephone.

In the subject response, the Examiner has again characterized the reference Prior, as follows:

**"Prior, et al further discloses in column 5, lines 34-35 and in figure six an alternative user interface on the rear of the handset, which reads on the claimed 'wherein said first and second functional elements cooperate to provide a first user interface for normal use of the radio telephone, and said third and second function elements cooperate to provide a second user interface for use when said first functional elements are obstructed'."**

Applicant has clearly defined the term interface in the claims of this application, yet the Examiner continues to use a different definition. Alternative interface features (see column 5, lines 34-35 of Prior) that only function in cooperation with other components of a single user interface do not comprise an "alternative user interface". In column 1, paragraph 0005, Prior describes the interface as follows:

**"According to the present invention, there is provided a radiotelephone handset comprising a housing, having a front and a rear face, a user interface comprising a display and input means responsive to a user to manipulate the contents of the display; wherein the display is provided on the front face and the input means on the rear face"**

Clearly this indicates that Prior intended to have only one user interface with which to operate the cell phone and not two as in the subject invention. The aim of the solution of Prior is to arrange the input means of a single user interface, such that manipulating the content on the display is easier.

The aim of the present application is to enhance the usability of a radio-telephone. This problem is solved by creating two distinct user interfaces, which can be used in different operating conditions. The first user interface is employed, when the user holds the phone in hand. The second user interface is used in situations, where the first functional elements (including the display) of the phone are obstructed. This is the situation e.g. when the phone is placed on a carrying means and the front surface of the shell is facing the users shoulder, as shown in figure 3. According to the invention, the second user interface does not comprise a display.

The Examiner also continues to refer to on/off button 4 as located on the upper part of the front surface of the shell (see figure 1). The upper part of the front surface is not the same thing as the upper surface of the shell, as stated in claim 20. In the subject application, the upper surface refers to an upper end surface of the shell (see page 4, lines 27-29 of the description). Therefore, Prior does not disclose any keys on the upper end surface, only a headset connector (or its cover 41) as shown in figure 4.

The Examiner continues to indicate that figure 2 of Prior discloses keys on the side surface of the shell. This is not supported by the description, in which there is no mention of any such keys, nor are there any reference numerals associated with the items to which the Examiner refers. Applicant again submits, in light of similar telephone products on the market, it is probable, that the markings on the side surface of the shell are meant to illustrate notches for fixing the phone to a car holder.

The problem in Takafumi (JP 11284706) is to enhance the visibility of a display section, namely, to make it larger. In addition the operation of a key section for use with a recording feature is improved. To solve this problem a microphone and a speaker are placed on the opposite side of the display. There is only one user interface comprising a single display, microphone and speaker in which certain features are divided between front and back. The problem of Takafumi involves the incorporation of a recording device into the portable telephone set and the allocation of surface area to the best advantage to utilize the recording device and telephone features.

Both in Prior et al. and in Takafumi the problems to be solved are quite different than in the present application. Therefore a skilled person would not reach the present invention by combining these two solutions. In spite of this difficulty, whatever combination might arise based on conjecture, would not include dual, independent, user interfaces according to the claims of this invention. The failure of the teachings of Prior and Takafumi is at least partly recognized by the Examiner in the admission that

their combined teaching, "fails to disclose the use of two microphone, and two speakers"

To remedy this deficiency, the Examiner has cited the reference Vandiver, characterizing this reference as follows:

**"In a similar field of endeavor, Vandiver discloses a cellular phone system that has two complete interfaces, including two microphones and two speakers (see column 2, lines 1-31 and figures 1-3)"**

Applicant respectfully suggests that the Examiner is mistaken in this characterization. There is only one speaker(36) and microphone(38) set on the front of the handset of Vandiver, see figure 2. The back face is shown in figure 1 where speaker (20) and microphone (22) are clearly shown as external to both the handset(10) and the base (12). The Examiner's attention is directed to column 2, lines 5-13 of Vandiver in which the interface is described as follows:

**"The base 12 includes a transceiver for radio communication via an antenna 18, and is connected to an external speaker 20 and an external microphone 22. Alternatively, the speaker and microphone may be incorporated into the base.**

**The back 24 of the handset 10 contains a display 26 and a keypad 28, both for use when the handset is seated in the cradle 16 for hands-free operation. In that condition the speaker 20 and the microphone 22 are energized for audio output and input."**

Based on this description, it is clear that the speakers are intended to be on or directly coupled to the base not the handset.

### **The Issue of Obviousness**

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without

reference to the disclosure of this application. The cited references either alone or in combination fail to disclose a dual user interface having a full set of functional elements that provide two, alternate, independently operational, user interfaces on a mobile telephone.

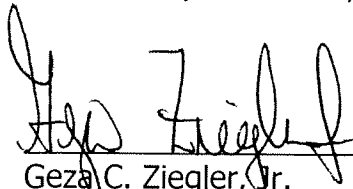
Applicant submits that the above described deficiencies of the primary reference Prior are not remedied by the proposed combination with the teachings of the references Takafumi and Vandiver or any of the other cited references. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Prior, Takafumi, Vandiver, Davidson, Bannister, or Gordon in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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7 September 2006  
Date

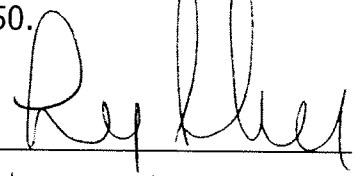
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